

AFFIDAVIT IN SUPPORT

Now comes Robert L. McKellar and states that:

1. I am a resident of Midland Michigan and I am a patent attorney employed by the Dow Corning Corporation;
2. I am the patent attorney that drafted the patent applications having serial number 09/410,162, filed September 30, 1999, which is a divisional application of patent application 09/129,296, filed August 1, 1998, and now issued as U.S. patent 6,022,589, which is a Continuation-in-Part of patent application of patent application serial number 08/780,508, filed on January 8, 1997, now abandoned;
3. I am aware that Charles Wayne Smith and Donny L. Hamilton are employees of Texas A&M University, located in the State of Texas;
4. I have been informed by Mr. Terry A. Young, Executive Director of the Technology Licensing Office at Texas A&M, on or about the last week of March, 1999, that there has been an error and misjoinder of inventors on said patent application, in that, Donny L. Hamilton should have been named as a co-inventor;
5. I have had subsequent discussions with Terry A. Young, Charles Wayne Smith, Jerome Melvin Klosowski, and others, and have had an opportunity to review the documents and records of Donny L. Hamilton, which I did not have before me at the time that the application was drafted and filed in the United States Patent and Trademark Office, and I did not know of their existence until April 5, 1999, and further, I have had the opportunity to review some additional documents and records of Charles Wayne Smith which I did not have before me at the time that the application was drafted and filed in the United States Patent and Trademark Office, and I did not know of their existence until April 5, 1999, and from these records, it appears that Donny L. Hamilton is a co-inventor of some of the subject matter of said patent application;
6. The error occurred on my part without deceptive intent in determining the inventorship of said patent application;

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

BY: Robert L. McKellar
Robert L. McKellar

Date: 06-06-00

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